

COUNCIL MINUTES

REGULAR MEETING

January 18, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, January 18, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Adah Roberts, Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:06 PM.

PLEDGE OF ALLEGIANCE

Councilman Thomas led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to add Item 12 – Designation of Voting and Alternate Voting Delegates to the North Carolina League of Municipalities Advocacy Goals Conference.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held January 4, 2011 as presented and the minutes of the Regular Meeting held January 4, 2011 as presented.

PRESENTATIONS

AWARD RECOGNITION – NATIONAL NIGHT OUT NATIONAL AWARD WINNER

Mayor Phillips presented the National Association of Town Watch Award to Chief Yaniero and his staff for their efforts on the 2010 National Night Out that was held at Riverwalk Crossing Park on August 3, 2010. Chief Yaniero stated that out of cities our size, only 46 departments out of 10,000 agencies nationwide received this award.

PUBLIC HEARINGS

VOLUNTARY ANNEXATION PETITION – DELTA INVESTORS – WESTERN BLVD. – 10.88-ACRE TRACT

Mr. Ron Massey, Assistant City Manager, stated that a voluntary annexation petition was received from Parker and Associates on behalf of S. Douglas Padgett, Jr. This was a 10.88-acre tract that was contiguous to the current City limit boundaries. The site was located along Western Boulevard across from Commons Drive North. This annexation included the right-of-way portion of property dedicated to NCDOT for future Western Parkway. A letter submitted with the petition indicated possible future development of the site as a commercial subdivision that included a 110 room hotel and 3 possible restaurants. However, no firm development plans had been submitted to the City at this time.

Mayor Phillips recessed the regular meeting at 7:14 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips recessed the Public Hearing at 7:15 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the Annexation Ordinance of the 10.88 acre tract as presented.

Ordinance 2011-04, Bk. 10, Pg. 285

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, stated he was upset with the situation that was going on at the Land Application Site. Several consultants have been hired since 2007 to review the land application site. Last December, City staff stated that the land application had about 6% damage. Mr. O'Connor stated that after he went on a walk-through with staff, he felt there was significantly more than 6% damage. He felt it was potentially going to be at least a million dollar fix and he held the elected officials and those at the site responsible.

David Williams, 109 Shadowbrook Drive, stated for years he had approached Council on how the City looked to outsiders. About a year ago he went door-to-door with petitions asking if citizens wanted the City of Jacksonville to do more to clean its major roadways. As time went by, it was evident by the visible improvements that Council also wanted to see the major thoroughfares of the City cleaner. He presented the petitions signed by 623 citizens in support of the efforts to clean and beautify the City. The petitions would be retained in the January 18, 2011 Council Meeting Exhibit File.

NEW BUSINESS

CONSENT ITEMS

FY11 SECOND QUARTER GENERAL BUDGET AMENDMENT

During the second quarter of FY11 several departments had submitted budget amendment requests. The details of the adjustments were in the staff report. This budget amendment decreases appropriated fund balance in the FY11 General Fund Budget by \$149,374.

Council approved the budget amendment.

Ordinance 2011-05, Bk. 10, Pg 291

BUILDING INSPECTION FEE SCHEDULE AMENDMENT (SIGNS)

An amendment to the City Fee Schedule was proposed that reduced the current Sign Permit Fee. This would support a request to lower fees where there were multiple signs per address. Billboard signs would not be affected by this change. Currently, when a single property had multiple signs, the owner was charged a \$90.00 fee for each sign. This proposed fee amendment would charge the owner a \$90.00 fee for up to five signs, \$45.00 for signs 6-10 and then \$45.00 for each subsequent signs over 10 signs.

Council approved the amendment to the Fee Schedule.

ACCEPTANCE OF PUBLIC IMPROVEMENTS: CARRIAGE RUN, SECTIONS IV-A, IV-B AND IV-C AT CAROLINA FOREST AND CARRIAGE RUN, SECTION V-A AND V-B AT CAROLINA FOREST

The Engineering Division had observed the work performed, approved the construction and filed inspection reports recommending the approval of Carriage Run, Sections IV-A, IV-B and IV-C and Carriage Run, Sections V-A and V-B at Carolina Forest. The improvements included water, sewer, roads, storm drainage and sidewalks. If accepted, these improvements would be covered by a warranty that would expire 18 months from this date.

Council accepted for City maintenance the public improvements in Carriage Run, Sections IV-A, IV-B and IV-C and Carriage Run, Sections V-A and V-B at Carolina Forest.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Emerson Park at Williamsburg Plantation, Section I; Palmetto Park; Victory Way; and Western Parkway Subdivision. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

TAX RELEASES, REFUNDS AND WRITE-OFFS

The County/City Tax Collector and City's Finance Director recommended releases, refunds, and write-offs of property taxes respectively \$90,611.88, \$1,123.34, and \$72.55 (\$91,807.77). The detail list of these tax releases and refunds was available in the Finance Office for review.

Council approved the tax releases, refunds and write-offs.

AUTHORIZATION TO SUBMIT PARTF GRANT APPLICATION FOR CAROLINA FOREST PARK

The deadline for the State Parks and Recreation Trust Fund (PARTF) grant application was the end of January 2011. Staff requested City Council's permission to apply for PARTF grant funding for the Carolina Forest Park project prior to the State's January deadline.

Council authorized submission of the PARTF grant application for the Carolina Forest Park project.

NON-CONSENT ITEMS

CONCEPT FOR DOWNTOWN OFFICE BUILDING

Mr. Ron Massey, Assistant City Manager, introduced Mr. Cliff Ray who briefed Council on a concept for developing a new professional office building in the downtown area. Mr. Ray stated that with the upcoming completion of the Justice and Public Safety Centers, they recognized the need for private developers and landowners downtown to participate in making for a successful revitalization of downtown. City Code did not have a requirement for parking in

downtown development; therefore he was coming before Council to not only to share his plans, but to ask for permission for staff to discuss other options for offsite parking. With a building this size, off-site parking would be needed to make the building viable.

Mayor Phillips asked if staff had a count of parking spaces downtown. Mr. Woodruff stated that was actually two questions – how many spaces where there and how many were available. Staff could get that count, but he knew that there were very few spaces available. They would divide the categories into currently public owned parking spaces being a combination of City and County, institutional parking spaces such as those available at the church, and private parking including only those facilities that may have potential.

Mayor Phillips stated that other towns have taken advantage of using multi-tier parking facilities which could be a public-private venture. He felt one of the things that stifled downtown development was the limited parking availability.

Mayor Pro-Tem Lazzara stated that parking was part of the Downtown Master Plan and there had been discussions with the County of possibly building a parking deck together. It needed to be revisited. Mayor Phillips felt that alternatives needed to be explored for parking in the downtown area.

Council indicated their approval for staff to review downtown parking options.

FY 2011 GOVERNOR'S CRIME COMMISSION GRANT APPLICATION – BUSINESS WATCH CRIME PREVENTION PROJECT

Chief Mike Yaniero, Jacksonville Police Department, stated that the Police Department was seeking authorization to submit an application for the FY 2011 Governor's Crime Commission (GCC) Grant Program. The Police Department had prepared a proposal to apply for the grant funding to establish a Business Watch Crime Prevention Project in partnership with the Jacksonville-Onslow Chamber of Commerce.

Mona Padrick, President of the Jacksonville-Onslow Chamber of Commerce, stated they were delighted to partner with the Jacksonville Police Department on another endeavor to help the business community. The Business Watch Program would address successful crime prevention strategies specific to small businesses

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to authorize the City Manager or his representative to submit an

application for the FY2011 GCC Grant on behalf of the City of Jacksonville and accept the grant if awarded.

Ordinance 2011-06, Bk. 10, Pg. 295

BUDGET AND CIP AMENDMENTS FOR SCADA FOR WASTEWATER LIFT STATIONS

Mr. Pete Deaver, Utilities Maintenance Supervisor, stated that the existing SCADA (Supervisory Control and Data Acquisition) system that served the wastewater lift stations was a stand alone system that was not compatible with the recently upgraded SCADA system that served the City's Water Treatment Plant and Wastewater Treatment Plant. The current system did not allow the Plants Maintenance Mechanics to access the system unless they traveled to the Water Treatment Plant or to the Commons elevated water tank and connect via a laptop. The current system was aged and had become unreliable.

Mr. Woodruff added that the SCADA upgrade was originally scheduled for the FY12 year. Unfortunately with the recent spill at the Northeast lift station, staff felt that they could not wait until the next budget year. Council was being asked to move the funding for the design and first phase of the SCADA system to the present.

Councilman Thomas asked how this would sequence into the other lift stations in need of retrofit. Mr. Deaver stated that as a lift station was rehabilitated, the new hardware would be installed and would function with the existing SCADA. When the new SCADA software was installed, the upgrade would be seamless.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the budget and CIP amendments for the implementation of Phase I of the SCADA System Project.

Ordinance 2011-07, Bk. 10, Pg. 296

Ordinance 2011-08, Bk. 10, Pg. 297

BOARD OF ADJUSTMENT APPOINTMENT & REAPPOINTMENT

The Jacksonville Board of Adjustment was a seven member City Board that included two Extraterritorial Jurisdiction (ETJ) members. ETJ members were appointed by the County. One City representative had resigned, which created a vacancy on the Board. There were two (2) applicants interested in this appointment. One applicant currently served the Board of Adjustment in the alternate position. The second applicant had expressed interest in serving as a full member, or as the alternate member.

Councilman Jerry Bittner, Council Liaison to the Board of Adjustment, nominated Marty Goldman as the City Representative to an existing term expiring June 30, 2011 and appointed Thomas Nicoll as the Alternate City Representative to an existing term expiring June 30, 2013.

A motion was made by Councilman Willingham, second by Councilman Thomas, and unanimously adopted to close nominations and to appoint the nominees by acclamation.

DESIGNATION OF VOTING AND ALTERNATE VOTING DELEGATES FOR NORTH CAROLINA LEAGUE OF MUNICIPALITIES ADVOCACY GOALS CONFERENCE

The North Carolina League of Municipalities (NCLM) Advocacy Goals Conference was scheduled for January 20, 2011 at the Raleigh Convention Center. Under the League Constitution and the voting procedures established by the League Board of Directors, each member municipality sending delegates was required to designate one (1) voting delegate and one (1) alternate voting delegate to cast the City's votes on establishing legislative priorities. NCLM staff had recently informed the City that voting and/or alternative voting delegates could be Council Members, or a senior staff member, should Council so desire. Mayor Pro-Tem Lazzara was currently registered to attend as was City Manager Dr. Richard Woodruff.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to appoint Mayor Pro-Tem Lazzara as the City's designated voting delegate and Richard Woodruff as the alternative voting delegate at the NCLM Advocacy Goals Conference.

PUBLIC COMMENT

There was no one present desiring to speak during this public comment section.

REPORTS

DOWNTOWN DEVELOPMENT

Councilman Willingham commended Mr. Cliff Ray on his downtown development ideas and encouraged staff support.

ONWASA

Councilman Bittner reported that ONWASA would meet on Thursday, January 20, 2011 and the mandatory connection problem was no longer an issue.

LAND APPLICATION SITE

Mayor Pro-Tem Lazzara stated that he had not planned on commenting regarding the discussion on the Land Application Site and tree issues, but felt it needed to be clarified that the

tree mortality had not impacted the citizens financially, and had not impacted the City's ability to treat waste. Staff was taking all the necessary steps to find a resolution to the dying trees.

CLEAN & GREEN

Councilman Warden thanked Mr. Woodruff on his leadership efforts of the Clean & Green Initiative.

STURGEON CITY PROJECT

Councilman Thomas reported that earlier this afternoon Sturgeon City had been presented with a prestigious award for what has taken place on New River. He stated that while challenges were faced with the trees at the land treatment site, the fish were happy.

SANDY RUN COMMUNITY MEETING

Council Member Coleman reported that there would be a follow up Sandy Run Community Meeting on Tuesday, January 25, 2011 at 2:00 PM and 6:00 PM.

JOINT LEGISLATIVE DELEGATION MEETING

Mayor Phillips stated that he felt the joint Council, Board of Commissioners and Legislative Delegation session earlier this afternoon to discuss local issues had been successful; however, the bad news was that on the State level, there were a lot of difficult financial decisions that the legislature would be dealing with in the coming year.

TEAM OF TREE EXPERTS

Mr. Woodruff stated it was his error when he stated several months ago that 6% of the trees at the land treatment site were dead. The reality was that no one had counted the number of dead trees, so the actual percent was unknown; however, staff had consistently stated that there had been tree death. Consultants had been hired for the past few years to research the problem and have come to different conclusions. This past week the chief NCDENR inspector for this area reviewed the site and in his professional opinion felt that the tree death was due to the drought in 2007.

Because of the wide range of opinions, Mr. Woodruff stated a team of tree experts was being brought in to examine the Land Application Site on February 7, 8, & 9, 2011. Their findings and recommendations would be presented to Council at a special meeting on Wednesday, February 9, 2011 at 4:00 PM.

FEBRUARY COUNCIL MEETING CHANGE

Mr. Woodruff reported that Council's first February meeting had been moved to Wednesday, February 9, 2011 to follow the 4:00 PM special meeting with the tree experts.

LAND TREATMENT TOUR

Mr. Woodruff reported that City Council would tour the Land Treatment Site either on Wednesday, January 19, 2011 from 1:00 PM to 4:00 PM or on Saturday, January 22, 2011 from 7:00 AM to 10:00 AM to see first-hand the level of tree death so they were prepared to be better engaged with the tree experts.

HOLIDAY YARD WASTE SCHEDULE

Mr. Woodruff reported that due to the snow closures and offices being closed for the Martin Luther King Jr. holiday, all routes would collect yard debris the same day as they collected the garbage and recycling, but it may not be done at the same time of day.

STATE OF THE COMMUNITY BREAKFAST

Mr. Woodruff reported that the Governmental Affairs Committee would host the 16th Annual State of the Community Breakfast on Thursday, February 3, 2011 at the New River Air Station Officer's Club. Breakfast would begin at 8:00 AM, followed by the program at 8:30 AM where Mayor Phillips would present the State of the City. Staff had arranged for a van to transport those who would like to attend and he requested that Council let his office know of their attendance.

DEPOSITIONS

Mr. Carter stated that he would be in New Bern and Jacksonville the rest of this week and the week of January 31 in depositions.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:10 PM.

Adopted by the Jacksonville City Council in regular session this 9th day of February, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk